

Town Board Minutes

November 3, 2014

Meeting No. 31

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of November 2014 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, CODE ENFORCEMENT OFFICER
WILLIAM KARN, POLICE CAPTAIN
MARK LUBERA, INTERIM DIRECTOR, PARKS, RECREATION,
FORESTRY & GROUNDS
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 9:04 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and a contractual matter.

At 9:39 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matters:

- Appointment of an out-of-town resident to a part-time recreation position.
- Striping of roadway on Lake Avenue in the Village of Lancaster.

Cardwell, Liz, spoke to the Town Board on the following matter:

- Statements contained on the Town website and refuse brochure regarding garbage.

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Amending Town Code regarding refuse collection.
- Overnight truck parking at WalMart.
- Striping of roadway on Lake Avenue in the Village of Lancaster.
- Funding for Hull House and Lancaster Rural Cemetery.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Purchase of pickup truck for use in Parks, Recreation & Forestry Department.
- Minutes of last Town Board Meeting regarding ditch on William Street between Penora Street and Northwood Drive.
- Preliminary budget questions.
- Concerns about trucks parking at WalMart.

Kazmierczak, Tom, spoke to the Town Board on the following matters:

- Striping on Lake Avenue in the Village of Lancaster and a driver crossing over the yellow line.
- Medical insurance coverage for Town employees.

Malik, Frank, spoke to the Town Board on the following matter:

- Eagle Scouts' Project at Plumb Creek, Grand Opening Saturday November 8 at 11:30 A.M.

Mays, Ron, spoke to the Town Board on the following matter:

- Problems with lights and fencing at next door business.

Wehner, Mike, spoke to the Town Board on the following matters:

- Would like to see Dog Control Officer reports for September and October.
- Asks if Town Code is in compliance with A.D. Act.
- Funding of union contracts as related to the Town budget.

Welker, Paul, spoke to the Town Board on the following matter:

- Parking of trucks in general and on WalMart property.

Zielinski, Dave, spoke to the Town Board on the following matter:

- Comments regarding adoption of budget.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: # 1 2015 Preliminary Budget

ON MOTION BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a 2015 Preliminary Budget matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Lee Chowaniec	Comments/Questions/ Proponent of Tentative Budget
Jim Allein, President Lancaster Rural Cemetery	Requests increased funding.
Paul Rudz, Treasurer Lancaster Rural Cemetery	Requests increased funding.
Christine Scott, Vice President Lancaster Rural Cemetery	Requests increased funding.
Frank Malik, Representing Lancaster Rural Cemetery	Requests increased funding.
Tom Kazmierczak	Proponent of Tentative Budget
Mike Fronczak	Questions/ Proponent of Tentative Budget

ON MOTION BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:00 P.M.

Decision on this matter was reserved.

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PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: # 2 2015 Special Districts Budget

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the public hearing was opened.

At 8:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon a 2015 Special Districts Budget matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Donald Symer	Comments/Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:11 P.M.

Decision on this matter was reserved.

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PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held October 20, 2014 and the Regular Meeting of the Town Board held October 20, 2014 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

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THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 37690 to Claim No. 37802 Inclusive

Total amount hereby authorized to be paid: \$420,173.55

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

November 3, 2014

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:
CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23450		Loretta Dell	1913 Como Park Blvd	Re-Roof	(V/L)
23451		John & Linda Childress	515 Erie St	Re-Roof	
23452		Bowen Road Acquisition LLC	22 Dover Ct	Er. Dwlg.-Sin.	
23453		Transit Road Apartments LLC	4845 Transit Rd	Er. Comm. Add./Alt.	
23454		Jeffrey & Gina Brown	11 Westbury Ln	Er. Res. Alt.	
23455		Collingwood Construction Corp	4 Fox Hunt Rd	Re-Roof	
23456		Thomas & Kathy Lavey	24 Lancaster Ave	Er. Res. Add.	(V/L)
23457		The Kaz Copany	24 Lancaster Ave	Er. Res. Alt.	(V/L)
23458		Schuster Construction LLC	153 Wendel St	Er. Dwlg.-Sin.	
23459		Besroi Construction	74 Lake Ave	Re-Roof	(V/L)
23460		Besroi Construction	29 Main St	Re-Roof	
23461		Josephine McClure	394 Harris Hill Rd	Er. Res. Add.	
23462		Oneida Fence	36 Nichter Rd	Er. Fence	
23463		Allen Morganstein	15 Windsor Ridge Dr	Er. Fence	
23464		Aaron & Patricia Simon	686 Pleasant View Dr	Er. Deck	
23465		Steven & Karen Paciorkowski	345 Stony Rd	Re-Roof	
23466		Suzie Gonzales	760 Schwartz Rd	Er. Fence	
23467		H Young's Home Improvement	31 Grafton Ct	Re-Roof	
23468		Sunroom Additions	163 Westwood Rd	Er. Res. Alt.	
23469		Sunroom Additions	163 Westwood Rd	Er. Deck	
23470		Paul Augustyniak	12 Clermont Ct	Er. Res. Add.	
23471		Alvin & Margaret Morningstar	5743 Genesee St	Re-Roof	
23472		Lisa Krafchak	44 Wilkshire Pl	Re-Roof	(V/L)
23473		John Kaniecki	239 Warner Rd	Er. Fence	
23474		House Crafters LLC	59 Church St	Re-Roof	(V/L)
23475		Patio Enclosures	62 Stutzman Rd	Er. Res. Add.	
23476		Edward Bentley	198 Central Ave	Re-Roof	(V/L)
23477		Turkmasters Contracting LLC	720 Aurora St	Re-Roof	
23478		Theresa Janis	1 Sagebrush Ln	Er. Fence	
23479		Lancaster Land LP	52 Pavement Rd	Er. Dwlg.-Sin.	
23480		RJF Development JV	4 Bennington Ln	Er. Dwlg.-Sin.	
23481		Charles & Beverly Kaufman	25 Stutzman Rd	Re-Roof	
23482		Daniel Baccari	86 Garfield St	Re-Roof	(V/L)
23483		Lovejoy Builders Inc.	9 Joseph Dr	Er. Dwlg.-Sin.	
23484		Samuel & Mary Marciano	188 Aurora St	Er. Res. Alt.	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board is considering the construction of a 9,600 square foot pre-engineered metal building addition to the north rear elevation of the existing **Winnomotive Properties, LLC** facility located at 4304 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on October 20, 2014 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project, described as the building of a 9,600 square foot pre-engineered metal building addition on the north rear elevation of the existing facility, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: November 3, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed construction of a 9,600 square foot pre-engineered metal building addition on the north rear elevation of the existing Winnomotive Properties, LLC facility. The Town Board has determined the project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Winnomotive Properties, LLC Building Addition

Location of Action: 4304 Walden Avenue, Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted Action.

Description of Action: The construction of a 9,600 square foot pre-engineered metal building addition on the north rear elevation of the existing facility.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will have an extremely small impact on existing public/private water supplies and public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.

- 9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
- 10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
- 11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person: John M. Dudziak, Town Attorney
Town of Lancaster
Address: 21 Central Avenue
Lancaster, New York 14086
Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, On October 6, 2014, the Town Board approved the purchase of two (2) new 2014 Ford 4 x 4 Regular Cab F250 XL 8’ Box Pickup Trucks with a unit cost of \$27,264.71 each from the 2014 authorized New York State Bid Contractor Van Bortel Ford, 71 Marsh Road, East Rochester, New York 14445 for use by the Town of Lancaster’s Parks Recreation and Forestry Department, and

WHEREAS, due to an administrative error the wrong model and year of the trucks were referenced also, the trucks desired are not available on a state contract, and

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted October 6, 2014, approving the purchase of two (2) new 2014 Ford 4 x 4 Regular Cab F250 XL 8’ Box Pickup Trucks with a unit cost of \$27,264.71 each from the 2014 authorized New York State Bid Contractor Van Bortel Ford is hereby rescinded.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Mark Lubera, the Interim General Crew Chief of the Department of Parks, Recreation and Forestry of the Town of Lancaster by letter dated October 21, 2014 has requested the purchase of **two (2) new 2015 Ford 4 x 4 Regular Cab F-350 XL 8’ Box Pickup Trucks** for the use in the Parks, Recreation and Forestry Department, and

WHEREAS, the above-referenced vehicles are available from the Chautauqua County Division of Purchase, Contract No. E-12-13 PFTH, through authorized vehicle dealer Van Bortel Ford, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of said truck;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of **two (2) new 2015 Ford 4 x 4 Regular Cab F-350 XL 8’ Box Pickup Trucks** with a unit cost of \$27,264.71 each which includes the options package as requested by the Interim General Crew Chief of the Parks, Recreations and Forestry Department, from the 2014 authorized Chautauqua County Bid Contractor Van Bortel Ford, 71 Marsh Road, East Rochester, New York 14445 under Chautauqua County Contract No. E-12-13 PFTH for a total sum not to exceed the contract price of \$54,529.42 which amount shall be paid for with funds available in the 2014 Department of Parks and Recreations Budget Line Item #A7110.225 and Line Item #A8510.225.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO TO WIT:

WHEREAS, the **D R Chamberlain Corp.,** has prepared and submitted a revised site improvement plan dated August 29, 2014, and received October 28, 2014, for the proposed construction of a 9,600 square foot pre-engineered metal building addition to the north rear elevation of the existing **Winnomotive Properties, LLC** facility located at 4304 Walden Avenue, in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their September 17, 2014 meeting, and

WHEREAS, the Town, acting as lead agency has completed an environmental review on October 20, 2014, in conformance with SEQR (State Environmental Quality Review) regulations and on November 3, 2014 a Negative Declaration was issued.

**NOW, THEREFORE, BE IT
RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the revised site improvement plan prepared and submitted by **D R Chamberlain Corp.,** dated August 29, 2014 and received October 28, 2014, for the proposed construction of a 9,600 square foot pre-engineered metal building addition to the north rear elevation of the existing **Winnomotive Properties, LLC** facility located at 4304 Walden Avenue, in the Town of Lancaster with the following condition:

- Landscaping Plan to be approved by Interim General Crew Chief Mark Lubera.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated October 23, 2014, has requested the deletion of two members from the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby deletes from the membership of the Twin District Volunteer Fire Company, the following individuals:

DELETIONS:

Joseph DiPiazza
Steven Bataglia

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Article 5-G of the General Municipal Law of the State of New York authorizes municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually; and

WHEREAS, in 1999 the Town of Lancaster joined the School and Municipal Energy Cooperative (SMEC) to save money with the joint purchases of energy; and

WHEREAS, the School and Municipal Energy Cooperative of Western New York has recently updated its original membership agreement and is requiring all participants to have an executed updated agreement on file;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby directed to execute the updated membership agreement, between the Town of Lancaster and the School and Municipal Energy Cooperative of Western New York, 355 Harlem Road, West Seneca, New York 14224, to purchase energy for the Town at a savings by participating in SMEC.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **David Hawk**, for a Special Use Permit for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, and the Board originally issued such Special Use Permit on September 20, 2004, this Special Use Permit was subject to renewal upon application by the property owner, and

WHEREAS, **David Hawk** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **David Hawk**, for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely
 - a. Only persons residing on the premises shall be engaged in such an occupation;
 - b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. The home occupation may be within the principal accessory structure;
 - c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
 - d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
 - e. There shall be no outdoor sign advertising this business;
 - f. This Special Use Permit is effective September 20, 2014 and will expire on September 20, 2016. The Lancaster Town Board will consider renewing this Special Use Permit upon the property owner submitting an application to the Town Clerk, at no additional cost, on or before September 20, 2016.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within the Industrial Commerce Center, within the Town of Lancaster, and

WHEREAS, the Town Engineer by letter to the Town Clerk dated October 29, 2014 has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated October 30, 2014, has reported his favorable review for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that completed Public Improvements No. 640 - Water Line, No. 641- Storm Sewer and No. 642 - Pavement & Curb, within the Industrial Commerce Center, be and are hereby approved and accepted by the Town Board of the Town of Lancaster: and,

BE IT FURTHER

RESOLVED, that the Town of Lancaster, under the Lease Management Agreement with the Erie County Water Authority, shall commence payment for the additional one (1) fire hydrant authorized for this subdivision with the next billing cycle, and

BE IT FURTHER

RESOLVED, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Rich’s Sports Fields, Inc., 110 Pavement Road, Lancaster, NY 14086, the contractor for providing drainage piping at various baseball fields in Westwood Park, has submitted Change Order No. 1 in the amount of \$3,200.00 to the Town Board for their approval, based on the descriptions of additional work to be performed provided to the Town Board;

**NOW, THEREFORE, BE IT
RESOLVED,** that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **Rich’s Sports Fields, Inc.,** with respect to the outlined descriptions previously provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional compensation for the furnishing and installing of additional piping for drainage improvements as directed by the previous General Crew Chief Terrence McCracken.

CHANGE ORDER NO. 1:

The original Contract Sum was	\$ 29,000.00
The Contract Sum will be increased by this Change Order in the amount of....	\$ 3,200.00
The new Contract Sum increased including this Change Order will be	\$ 32,200.00

**BE IT FURTHER
RESOLVED,** that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the interim department head of the Parks, Recreation and Forestry Department, Mark Lubera, by letter dated October 22, 2014, has recommended the appointment of Anthony Markut of Depew, New York and Shane Canahai of Lockport, New York to the position of Recreation Attendant, part-time permanent in the Parks, Recreation and Forestry Department of the Town of Lancaster, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that Anthony Markut and Shane Canahai be and are hereby appointed to the position of Recreation Attendant, part-time permanent in the Parks, Recreation and Forestry Department at the rate of \$9.00 per hour, effective November 4, 2014, and that these being part-time positions, provide no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

November 3, 2014

COMMUNICATIONS & REPORTS

- 597. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –
Notice of SEQR Meeting regarding Winnomotive Properties, LLC, 4304 Walden Ave., Proj. #3043 on Oct. 20, 2014 at 6:15PM. Disposition = Planning Committee**
- 598. Town Clerk to Various News Media –
Notice of Municipal Review Committee Meeting regarding Winnomotive Properties, LLC 4304 Walden Ave. on Oct. 20, 2014 at 6:15PM.
Disposition = Received & Filed**
- 599. Edward Ruminski to Supervisor –
Thank you to members of Town of Lancaster Tree Conservation Program for the expert job they are doing. Disposition = Received & Filed**
- 600. Village of Lancaster to Town Board –
Minutes from Special Meeting held on Oct. 6, 2014.
Disposition = Received & Filed**
- 601. Interim General Crew Chief to Planning Board Chairman, Planning Board Members, Council Member John Abraham, Council Member Ronald Ruffino, Sr. and Council Member Donna Stempniak –
No issues with Application for Site Plan Approval for Winnomotive Properties, 4304 Walden Ave., Proj. #3043. Disposition = Resolution 11/3/2014**
- 602. John Mills, Chair Erie County Legislature to Karen McCarthy, Clerk Erie County Legislature –
Notice of Public Hearing on Nov. 5, 2014 at 6:00PM regarding Agricultural District modification requests and district reviews as well as the recommendation of the Erie County Agricultural and Farmland Protection Board.
Disposition = Received & Filed**
- 603. Interim General Crew Chief to Supervisor and Town Board –
Request for resolution to purchase 2 pickup trucks for use by Department of Parks, Senior Facility, Buildings & Grounds and Forestry.
Disposition = Resolution 11/3/14**
- 604. Village of Lancaster to Town Board –
Minutes from Special Meeting held on Oct. 20, 2014.
Disposition = Received & Filed**
- 605. James Allein, Lancaster Rural Cemetery to Supervisor and Town Board –
Thank you for recent \$5,000.00 budget appropriation and update on status of Lancaster Rural Cemetery. Disposition = Received & Filed**
- 606. Twin District Volunteer Fire Co. to Town Clerk –
Request for change in roster. Disposition = Resolution 11/3/14**
- 607. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –
Notice of SEQR Meeting regarding Rezone: 00 Genesee Street from RCO to CMS on Nov. 3, 2014 at 6:00PM. Disposition = Received & Filed**
- 608. Town Clerk to Various News Media –
Notice of Municipal Review Committee Meeting regarding Rezone: Column Development, 00 Genesee Street, on Nov. 3, 2014 at 6:00PM.
Disposition = Received & Filed**
- 609. State of New York Public Service Commission to Supervisor –
Notice of completion of Draft Generic Environmental Impact Statement regarding Reforming the Energy Vision and establishing a Clean Energy Fund.
Disposition = Received & Filed**

610. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, and Erie County DEP –
Request for designation of lead agency for site plan Tops Distribution Center, Compressed Natural Gas (CNG) Fueling Station, 5873 Genesee St.
Disposition = Planning Committee
611. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, and Erie County DEP –
Request for designation of lead agency for rezone from R-1 & RCO to MFR-3 for +/- 27.5 acres for construction of 76 townhouses in 19 buildings at 5354 & 00 Genesee St. Disposition = Planning Committee
612. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, and Erie County DEP –
Request designation of lead agency for rezone from R-1 & RCO to MRF-3 for +/- 10.2 acres for construction of 46 single-family homes at 00 Broadway.
Disposition = Planning Committee
613. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, and Erie County DEP –
Request for designation of lead agency for site plan Salvatore's Hotel, construction of 4-story hotel at 6461 Transit Rd.
Disposition = Planning Committee
614. Interim General Crew Chief to Planning Board Chairman, Planning Board, Council Member Abraham, Council Member Ruffino, and Council Member Stempniak –
No issues with Application for Site Plan for Salvatore's Hotel, 6461 Transit Rd.
Disposition = Planning Committee
615. Interim General Crew Chief to Planning Board Chairman, Planning Board, Council Member Abraham, Council Member Ruffino, and Council Member Stempniak –
No issues with Application for Site Plan for CNG Vehicle Fueling Station at Tops Markets Distribution, 5873 Genesee St. Disposition = Planning Committee
616. Frederick Piasecki, Jr., Pres. Town Highway Superintendents Assoc. to Supervisor –
Support of decision of Boston Town Board to object to the recent refusal of the Erie County Dept. of Public Works to make payment of a select amount of snow and ice control monies for work done on some County roads.
Disposition = Received & Filed
617. Governor Cuomo's Press Office to Town Clerk –
Governor Cuomo announces \$70 million in awards to fund 68 bicycle, pedestrian and multi-use path transportation projects in New York.
Disposition = Received & Filed
618. Building Inspector to Town Board –
Recommend "Special Use Permit" be renewed for 255 Peppermint Road.
Disposition = Resolution 11/3/14
619. Town Line Fire Department to Highway Superintendent –
Request for the use of items for road closure and traffic control for the Lancaster Striders Race on Oct. 25, 2014. Disposition = Received & Filed
620. Town Engineer to Town Board –
Recommend acceptance of PIP #640 - waterline, PIP#641 - storm sewer, PIP#642 - pavement & curb for Lancaster Pkwy. - Industrial Commerce Center.
Disposition = Resolution 11/3/14
621. Town Engineer to Town Board –
Recommend acceptance of PIP #718 - pavement & curbs, PIP#719 - detention basin, PIP#720 - storm sewer, and PIP#721 - water line for Summerfield Farms Subdivision, Phase 5. Disposition = For Resolution

- 622. Interim General Crew Chief to Supervisor –
Recommend two individuals for appointment to the position of Recreation Attendant part-time for the Youth Basketball Program for the winter of 2014-2015 in the Parks, Recreation & Forestry Department.
Disposition = Resolution 11/3/14**
- 623. Paul Maute, Mayor Village of Lancaster to Supervisor and Town Board –
Request for access to the Town of Lancaster GIS System.
Disposition = Received & Filed**
- 624. Town Attorney to Town Clerk –
Request for resolution accepting PIP #640 - waterline, PIP#641 - storm sewer and PIP#642 – pavement and curb for Lancaster Industrial Commerce Center on Lancaster Parkway Ext. Disposition = For Resolution**
- 625. Police Chief to Town Clerk –
Reports and communications. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned
in memory of Mario Cascioli, Ettore Damiani, III and George O’Neil at 9:39 P.M.

Signed _____
Johanna M. Coleman, Town Clerk